

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

RICHARD L. MICCO AND LINDA L. MICCO,	:	Case No. 13-10565-TPA
<i>Debtors,</i>	:	Chapter 13
	:	
RICHARD L. MICCO AND LINDA L. MICCO,	:	Related to Doc Nos. 107, 112 and 117.
<i>Movants,</i>	:	
v.	:	<b>Hearing: August 17, 2016, at 11:00 AM</b>
	:	
RONDA J. WINNECOUR, ESQ.,	:	
CHAPTER 13 TRUSTEE, <i>et al.</i>	:	
<i>Respondents.</i>	:	

**ORDER**

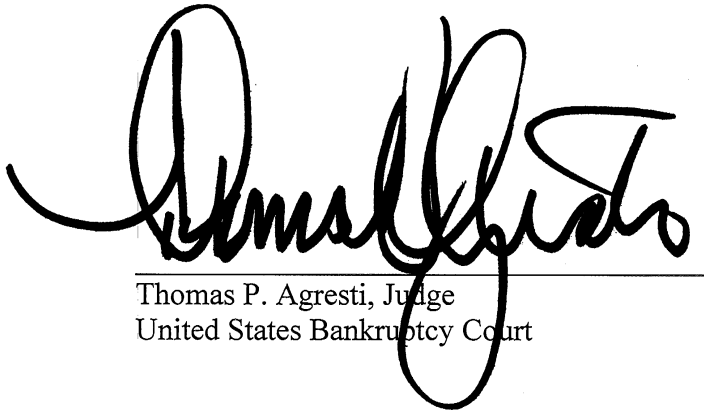
On July 1, 2016, the Debtors filed a *Motion to Reopen Chapter 13 Case*, at Document No. 107, and a *Motion to Pay Unclaimed Funds*, at Document No. 112, in which the Debtors seek payment of certain unclaimed funds remitted to the Clerk of the Court by the Chapter 13 Trustee when the Debtors' case was dismissed. Both *Motions* were scheduled for hearing on July 27, 2016. At the threshold the Court notes that the Debtors did not serve the *Motion to Pay Unclaimed Funds* on the United States Attorney as required by *W.D.Pa. LBR 3011-1*.

On July 19, 2016, the Debtors' filed *Certificates of No Objection*, at Document Nos. 115 and 116. On July 22, 2016, after the objection period had run, the Chapter 13 Trustee filed a *Response* to the *Motion to Pay Unclaimed Funds*, at Document No. 117, alleging, *inter alia*, that the funds should be paid to the Debtors' creditors rather than to the Debtors. At the rescheduled hearing, the Trustee should be prepared to address the rule regarding payment of unclaimed funds announced by the Supreme Court in *Harris v. Viegelahn*, 135 S.Ct. 1829 (2015).

**AND NOW**, this 25<sup>th</sup> day of **July, 2016**, for the foregoing reasons it is hereby  
**ORDERED, ADJUDGED** and **DECREED** that

(1) The hearings on the **Motion to Reopen Chapter 13 Case**, at Document No. 107, and **Motion to Pay Unclaimed Funds**, at Document No. 112, are both **CONTINUED** to **August 17, 2016 at 11:00 AM**, in the Erie Bankruptcy Courtroom, U.S. Courthouse, 17 South Park Row, Erie, PA 16501.

(2) In order to avoid the need for the refiling the instant Motion, **on or before August 1, 2016**, the Debtors shall serve both **Motions** on the United States Attorney and file a **Certificate of Service** evidencing the same, pursuant to *W.D.Pa. LBR 3011-1*. The United States shall file its *Response*, if any, **on or before August 16, 2016**.

A handwritten signature in black ink, appearing to read 'Thomas P. Agresti', is written over a horizontal line.

Thomas P. Agresti, Judge  
United States Bankruptcy Court

Case administrator to serve:  
Debtors  
Paula J. Cialella, Esq.  
Jill Locnikar, Esq.  
Ronda J. Winnecour, Esq., Chapter 13 Trustee

## Imaged Certificate of Notice Page 3 of 3

United States Bankruptcy Court  
Western District of PennsylvaniaIn re:  
Richard L. Micco  
Linda L. Micco  
DebtorsCase No. 13-10565-TPA  
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0315-1

User: bsil  
Form ID: pdf900Page 1 of 1  
Total Noticed: 2

Date Rcvd: Jul 25, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 27, 2016.  
db/jdb#+Richard L. Micco, Linda L. Micco, 1861 Mercer New Wilmington Road,  
New Wilmington, PA 16142-1939  
+Jill Locnikar, Esq., U.S. Attorney's Office, 700 Grant Street, Suite 4000,  
Pittsburgh, PA 15219-1955Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.  
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.****Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jul 27, 2016

Signature: /s/Joseph Speetjens

---

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 25, 2016 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor Nationstar Mortgage LLC agornall@goldbecklaw.com,  
bkgroup@goldbecklaw.com/bkgroup@kmlawgroup.com  
Andrew F Gornall on behalf of Creditor Green Tree Servicing, LLC agornall@goldbecklaw.com,  
bkgroup@goldbecklaw.com/bkgroup@kmlawgroup.com  
Brett A. Solomon on behalf of Creditor First Commonwealth Bank bsolomon@tuckerlaw.com,  
dparanay@tuckerlaw.com/apetronchak@tuckerlaw.com/agilbert@tuckerlaw.com  
Christopher L. Borsani on behalf of Creditor First Commonwealth Bank cborsani@tuckerlaw.com,  
clborsani82@gmail.com  
James A. Prostko on behalf of Creditor Nationstar Mortgage, LLC. pawb@fedphe.com,  
james.prostko@phelanhallinan.com  
Jerome B. Blank on behalf of Creditor Bank of America, NA pawb@fedphe.com  
Kristen D. Little on behalf of Creditor REAL TIME RESOLUTIONS, INC. pabk@logs.com  
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov  
Paula J. Cialella on behalf of Joint Debtor Linda L. Micco paula@cialellalaw.com,  
jamil@cialellalaw.com;jennie@cialellalaw.com;cialellalaw@yahoo.com  
Paula J. Cialella on behalf of Debtor Richard L. Micco paula@cialellalaw.com,  
jamil@cialellalaw.com;jennie@cialellalaw.com;cialellalaw@yahoo.com  
Robert P. Wendt on behalf of Creditor Green Tree Servicing, LLC pawb@fedphe.com  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com  
T. Lawrence Palmer on behalf of Creditor T. Lawrence Palmer Office of Attorney General,  
Pennsylvania Department of Revenue lpalmer@attorneygeneral.gov, MarkSPalmerPC@aol.com  
TOTAL: 13